

REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 1-4, and 18-20 have been amended to further emphasize features of the claimed invention and claims 5, 10, 12, 13, 17, 24-26, 28, 30, and 31 have been amended to cure minor informalities as shown on pages 2 to 7 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-34 Under 35 U.S.C. §102(e)

Claims 1-34 stand rejected under 35 U.S.C. §102(e) as being anticipated by Carr, *et al.* (US 2004/0049401). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Carr, *et al.* does not disclose each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Claim 1

The claimed invention generally relates to an age verification system that communicates age information received from an identification card to a point-of-sale system. To this end, independent claim 1 as amended recites a machine data reader that gathers age-related data information based at least in part upon encoded data existing on an identification card read by the machine data reader, *the machine data reader containing a verification component that decodes the encoded data, extracts the age-related data information, and generates a data string compatible with a point-of-sale system based at least in part on the age-related data*; and a component that relays the age-related data string to the point-of-sale system, the point-of-sale system indexes the data string to a resident lookup table. Carr, *et al.* does not disclose such claimed aspects.

Carr, *et al.* generally relates to obtaining information from identification documents such as driver's licenses and utilizing the information in security applications. More specifically, Carr, *et al.* discloses general exemplary environments where the system could be utilized. Many of the environments utilize a web-cam to photograph the identification document and a separate system to evaluate the photograph in order to gather relevant information. However, Carr, *et al.* fails to disclose a ***machine data reader containing a verification component that decodes the encoded data, extracts the age-related data information, and generates a data string compatible with a point-of-sale system based at least in part on the age-related data*** as recited in the subject claims.

Carr, *et al.* discloses a retail establishment environment which utilizes the prior art system *via* web-cam to capture optically-encoded data, but utilizes the point-of-sale terminal to decode the information. In contrast, the claimed invention recites the decoding process existing completely in the machine data reader, which is also the very device that captures the encoded data. Additionally, the machine data reader of the claimed invention generates a data string that the point-of-sale system can understand instead of relying on the point-of-sale system to decode the information; mitigation of this reliance results in compliance with a wider variety of point-of-sale systems. In view of at least the foregoing, it is readily apparent that Carr, *et al.* does not disclose each and every element of the subject invention as recited in independent claim 1 (and claims 2-17 which depend therefrom).

Similarly, claims 18 and 28 respectively recite ***generating a string that is received by a point-of-sale system, the string identifying at least one of an age and range of ages of the individual and a component that generates a string that is acceptable by a point-of-sale system, the string based at least in part upon the comparison between the birth date and the current date***. Thus, as with claim 1, the subject invention is interpreting the age related data from the card and generating a string the point-of-sale system can understand, mitigating the need for the point-of-sale system to do the interpreting as in Carr *et al.*

Moreover, since the applicants' claimed invention decodes and interprets the age-related information, generates a string based on the information, and then sends the string to the point-of-sale system, it utilizes less bandwidth than the system disclosed in Carr *et al.* which sends the entire picture of the identification card. In this regard, the system of Carr, *et al.* would require significantly greater bandwidth between the data reader and the point-of-sale terminal as well as

increased processing power in the point-of-sale system than that of the claimed invention. In view of at least the foregoing, it is readily apparent that Carr, *et al.* does not disclose each and every element of the subject invention as recited in independent claims 18 and 28 (and claims 19-27 and 29-34 which respectively depend therefrom).

Accordingly, since Carr, *et al.* fails to disclose each and every element of the subject invention as recited in independent claims 1, 18, and 28 (as well as claims 2-17, 19-27, and 29-34 which respectively depend therefrom), applicants' representative requests this rejection be withdrawn.

II. Rejection of Claims 1-34 Under 35 U.S.C. §102(e)

Claims 1-34 stand rejected under 35 U.S.C. §102(e) as being anticipated by Rogers (US 2003/0178487). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Rogers does not disclose each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

As mentioned, the claimed invention generally relates to an age verification system that communicates age information received from an identification card to a point-of-sale system. To this end, independent claim 1 as amended (and similarly independent claims 18 and 28) recites a machine data reader that gathers age-related data information based at least in part upon encoded data existing on an identification card read by the machine data reader, the machine data reader containing a verification component that decodes the encoded data, extracts the age-related data information, and generates a data string compatible with a point-of-sale system based at least in part on the age-related data; and ***a component that relays the age-related data string to the point-of-sale system, the point-of-sale system indexes the data string to a resident lookup table.*** Rogers does not disclose such claimed aspects.

Rogers generally relates to an optical scanning unit that allows or denies use to a vending machine based on first inserting an identification card, such as a driver's license, before inserting payment. In particular, in the exemplary system disclosed in Rogers, when identification is inserted, the system uses complicated methods including optical character recognition (OCR) to discern the birth date present on the face of the identification document. If the individual is not of age or if the birth date cannot be recognized, the system will not allow the person to continue to use the machine. Rogers fails to disclose a system that *relays the age-related data string to the point-of-sale system, the point-of-sale system indexes the data string to a resident lookup table.*

On the contrary, the exemplary system disclosed in Rogers makes a Boolean determination of whether or not an individual can use the underlying point-of-sale system (the vending machine) based upon the individual's birth date if the birth date is determinable. After inserting identification into the system, if the individual is deemed to be of age, the exemplary vending machine system requests payment and then selection; however, if the individual is deemed to be not of age, the invention does not allow the individual to continue to use the point-of-sale system. The point-of-sale system disclosed in Rogers does not receive a data string with age-related data from the optical scanning unit, and thus, the point-of-sale system could not place such a string in an internal lookup table. Thus, Rogers fails to disclose such claimed aspects. In view of at least the foregoing, it is readily apparent that Rogers does not disclose each and every element of the subject invention as recited in independent claims 1, 18, and 28 (and claims 2-17, 19-27, and 29-34 which depend therefrom). Accordingly, applicants' representative requests that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP182US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Patrica S. Murphy/

Patrica S. Murphy

Reg. No. 55,964

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731